



Attorney's Docket No. FEM-0051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Geroge M. Savagle et al.

Conf. No.: 5169

Serial No.: 09/852,880

Art Unit: 3763

Filed: May 10, 2001

Examiner: Manuel A. Mendez

For: System for Fluid Retention Management

**CERTIFICATION UNDER (37 C.F.R. § 1.8(A))**

I hereby certify that, on the date shown below, this correspondence is being:

**Mailing**

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313.

Date: 11/10/04

**Facsimile**

transmitted by facsimile to the Patent and Trademark Office.

Signature: \_\_\_\_\_

Mail Stop Petition  
Assistant Commissioner for Patents  
Alexandria, VA 22313

**PETITION TO ACCEPT AN  
UNINTENTIONALLY DELAYED CLAIM OF PRIORITY**

Dear Sir:

This is a Petition to correct an unintentionally delayed claim of priority in the above-pending application. Applicants' representative received the Notice of Allowance dated September 8, 2004, and while preparing to execute the Issue Fee, noted an error in the priority claim.

Applicants hereby petitions the Commissioner under 37 C.F.R. § 1.78(a)(3) and (4) to claim the benefit under 35 U.S.C. § 119(e) and 120 of earlier filed domestic applications.

The entire delay between the date the priority claim was due under paragraph §1.78(a)(2)(ii), four months from the actual filing date of this application (October 27, 2002) and this date was unintentional. When the current application was filed, priority was claimed to 09/454,878, filed on December 3, 1999, which is a division of 09/548,315, filed on November 1, 1995, now abandoned, and claiming the benefit of provisional application 60/006,408, filed on November 9, 1995, as indicated on the

Transmittal Letter, copy of the Declaration and the Official Filing receipt, copies of which are attached as Appendix A. Applicant unintentionally did not file a Preliminary Amendment to add the required related application's paragraph to the specification and did not notice the incomplete claim to domestic priority.

The claim of domestic priority is as follows:

This application is a divisional of US serial number 09/454,878, filed on December 3, 1999, now US patent 6,319,221, which is a divisional application of US serial number 09/068,059, filed on December 14, 1998, now US 6,238,366, which is the national filing of international application PCT/US96/17396, filed on October 31, 1996, which claims priority of US application number 08/548,315, filed on November 1, 1995, now abandoned, and US provisional application 60/006,408, filed on November 9, 1995, now abandoned.

As stated above, Applicant's representative first became aware of the need to add the Cross-Reference to Related Applications paragraph claiming priority while reviewing the Notice of Allowance and promptly filed this Petition.

Applicants attach an Amendment to add a related cases section to the specification to correct the priority. Please charge the surcharge set forth in 37 CFR § 1.17(t) of \$1330.00 to Deposit Account 10-0750/FEM51/MJS and any additional surcharge or fee that is required in connection with this petition.

Please contact me if any further information is required at the number below.

Respectfully submitted,

By Melissa J. Szanto  
Melissa J. Szanto  
Reg. No. 40,834

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Dated: 11/10/04



UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 2

LH/VEK

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/852,880	05/10/2001	3763	710	FEM-0051	11	6	1

CONFIRMATION NO. 5169

000027777  
AUDLEY A. CIAMPORCERO JR.  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

UPDATED FILING RECEIPT



\*OC000000006815958\*

Date Mailed: 10/01/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Geroge M. Savagle, Portola Valley, CA;  
Georgi Lathbury, Fremont, CA;  
Jeffrey J. Christian, San Jose, CA;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A DIV OF 09/454,878 12/03/1999  
WHICH IS A DIV OF 08/548,315 11/01/1995 ABN  
AND CLAIMS BENEFIT OF 60/006,408 11/09/1995

**Foreign Applications**

**RECEIVED**

If Required, Foreign Filing License Granted 07/06/2001

OCT 13 2001

Projected Publication Date: 01/10/2002

**J & J PAT. DKT. SECTION**

Non-Publication Request: No

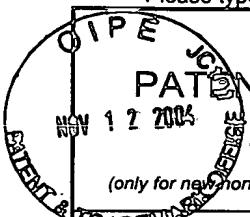
Early Publication Request: No

**Title**

System for fluid retention management

**Preliminary Class**

Please type a plus sign (+) inside this box



# UTILITY

## PATENT APPLICATION TRANSMITTAL

(only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	FEM-0051
First Inventor	George M. Savage
Title	System for Fluid Retention Management
Express Mail Label No.	EL457887411US

### APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status.
3.  Specification [Total Pages 24]  
(Preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s)(35 USC 113) [Total Sheets 11]
5. Oath or Declaration [Total Pages 1]
  - a.  executed (copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

18.  If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:  
 Continuation  Divisional  Continuation-in-Part (CIP) of prior application No.: 09/454,878, filed 12/3/99, which claim priority to prior application No. 08/548,315 filed 11/1/95 and prior application No. 60/006,408 filed 11/9/95. Prior application information: Examiner M. Mendez Group Art Unit: 3763  
For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

### 19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label 000027777 or  Correspondence Address below

Name: Philip S. Johnson, Esq.  
Address: Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003 USA

### 20. TELEPHONE CONTACT

Please direct all telephone calls or telefaxes to Verne E. Kreger at:  
Telephone: (732) 524-1239 Fax: (732) 524-2808

### 21. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	Verne E. Kreger, Jr.	Reg. No. 35231
SIGNATURE		
DATE	May 10, 2001	

DEC-11-1998 11:01 NOV 12 2004 A BSC SAN JOSE

408 895 3501 P. 02/03

COMBINED DECLARATION FOR TRADEMARKS (including PCT International Applications)			CONTINUATION (of prior applications)	ATTORNEY'S DOCKET NUMBER 019844.00072915
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
601608.408	November 9, 1998			x
08/648.313	November 1, 1998			x

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

James F. Hestin, Reg. No. 29,719

James M. Hestin, Reg. No. 29,541

Mark D. Barrish, Reg. No. 36,443

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27	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 101 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 27	SIGNATURE OF INVENTOR 28	SIGNATURE OF INVENTOR 29
George Savage	George Hestin	Jeffrey Carlton

DATE December 11, 1998

December 11, 1998

December 11, 1998